

**EPA Region 8 Brownfields Program  
Site Eligibility Determination Outline**

*To be used for determining site eligibility under community-wide Assessment Grants,  
RLF Grants, and site-specific work under 128(a) Grants*

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**A. GENERAL INFORMATION**

1. Grantee Name: **Snowy Mountain Development Corporation**
2. Grant Number: **#BF 96809001**
3. Name of RLF Applicant (RLF only): **Roundup Public Schools – School District 55**
4. Grant Type:
  - ☐ 104(k) Assessment
  - ☒ 104(k) RLF
  - ☐ 128(a) State
  - ☐ 128(a) Tribal
5. Work to be conducted (please check all that apply):
  - ☐ Phase 1 Assessment
  - ☐ Phase 2 Assessment
  - ☐ Cleanup Planning
  - ☒ RLF Loan
  - ☒ RLF Subgrant
6. How much funding do you anticipate spending on the site? **\$100,000 Estimated**
7. Date of proposed work: **Spring/Summer 2017**
8. Date of this document: **April 3, 2017**

**B. BASIC SITE INFORMATION**

1. Property Name: **Central School Campus**
2. Property Address: **600 1<sup>st</sup> St. W, Roundup, MT 59072**
3. Who is the current owner of the site? Please include the date the property was acquired, or date of planned acquisition. **Roundup Public Schools currently owns the property. The historic school was built by the School District in 1911 - 1913. In 1962, a multi-purpose addition was added; and in 1975, a classroom annex was**

added. The Music Room Building was acquired by the School District in 2008. Musselshell County and Homeward (non-profit organization) plan to begin redevelopment activities on the property as soon as cleanup is completed in 2017.

4. Known or Suspected Contaminant(s):

☒ Hazardous Substances (including mind scarred lands and controlled substances)

☐ Hazardous Substances Commingled with Petroleum

☐ Petroleum Only

5. List known or suspected contaminants: **Asbestos, Lead-Based Paint, Mercury Containing Thermostat, PCB Light Ballasts, and Mold. See Exhibit A (attached) for further details.**

6. Identify when and how the site became contaminated and describe previous known uses. If the land has been vacant for many years, why does the grantee think that it is contaminated? **The structures were constructed utilizing products that, at the time, were not known to contain hazardous substances. Three of the buildings were used solely for school purposes until they were vacated in 2016 when a new elementary school facility was completed. Before the School District acquired the Music Room Building in 2008 for classroom purposes, the structure was utilized as a grocery store and a community sandwich shop/youth recreation facility.**

7. Does the site meet the definition of a Brownfields Site? (Is the site "real property, the expansion, redevelopment or reuse of which is complicated by the presence or potential presence of hazardous substances, pollutants or contaminants"?)

☒ YES ☐ NO

8. Please explain how the reuse of the site has been inhibited by presence or potential presence of contamination. **A public entity (Musselshell County) plans to redevelop a portion of the campus as a multi-use Social Services Facility, including a County owned/operated Senior Center. A non-profit organization (Homeward) plans to redevelop the remainder of the campus for housing. Based on the results of Phase II Assessments completed in early 2017, the School District, Musselshell County, and Homeward are all aware that hazardous substance exist in each of the four buildings. In order to minimize the costs of remediating the contamination, Roundup Public Schools plans to conduct cleanup activities before Musselshell County and Homeward take ownership of the buildings and begin renovation activities. In addition, these two acquiring entities do not want to purchase contaminated properties. Redevelopment plans are on file.**

9. Does the property have potential historic or cultural significance? *The National Historic Preservation Act defines a historic property as "any prehistoric or historic*

*district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria."*

**X YES** ☐ NO

9.a. If there is a structure on the property, what year was it built? **There are four structures built as follows:**

- 1) Historical Elementary Building: 1911-1913**
- 2) Multi-Purpose Building: 1962**
- 3) Music Room Building: Prior to 1970's**
- 4) Classroom Annex: 1975**

9.b. Is there any known historical cultural significance associated with the property?

**The Historical Elementary Building is listed on the National Register of Historic Places.**

#### **C. SITES NOT ELIGIBLE FOR FUNDING BY STATUTE**

*If the answer is Yes to any of the questions below (C1-3) the site is not eligible.*

1. Is the facility listed (or proposed for listing) on the National Priorities List?

☐ YES **X NO**

2. Is the facility subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA?

☐ YES **X NO**

3. Is the facility subject to the jurisdiction, custody, or control of the US government? (Land held in trust by the US government for an Indian tribe is eligible.)

☐ YES **X NO**

#### **D. SITES ONLY ELIGIBLE FOR FUNDING WITH A PROPERTY SPECIFIC DETERMINATION BY EPA:**

*If the answer is Yes to any of the below questions (D1-6), then a property specific determination is required. The grantee will need to submit additional information, which can be found in Appendix A to this document.*

1. Is the site/facility subject to a planned or ongoing CERCLA removal action?

☐ YES ☒ NO

2. Has the site/facility been the subject of a unilateral administrative order, court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties, or been issued a permit by the U.S. or an authorized state under the Solid Waste Disposal Act (as amended by the Resource Conservation and Recovery Act (RCRA)), the Federal Water Pollution Control Act (FWPCA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SWDA)?

☐ YES ☒ NO

3. Is the site/facility subject to corrective action orders under RCRA (sections 3004(u) or 3008(h)) and has there been a corrective action permit or order issued or modified to require corrective measures?

☐ YES ☒ NO

4. Is the site/facility a land disposal unit that has submitted a RCRA closure notification under subtitle C of RCRA and is subject to closure requirements specified in a closure plan or permit?

☐ YES ☒ NO

5. Has the site/facility had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA? ☐ YES ☒ NO

6. Has the site/facility received funding for remediation from the leaking Underground Storage Tank (LUST) Trust Fund? ☐ YES ☒ NO

#### **E. HAZARDOUS SUBSTANCE/COMMINGLED CONTAMINATION SITES**

*For petroleum only sites, skip to F.*

1. Does the grantee/RLF applicant own the site? ☒ YES ☐ NO

2. Answer the following if the grantee *is the current site owner*: **RLF Applicant is the owner of the site. RLF Applicant is:**

a. Is the owner a ☒ Unit of State or Local Government or ☐ Other

b. If the owner is a governmental unit, how was the property acquired?

☐ Tax Foreclosure ☐ Donation ☐ Eminent Domain ☐ Bought it outright

☒ Other (Explain): **The buildings were built or purchased by Roundup Public Schools. Dates three buildings built: 1911-1975. The Music Room Building was purchased in 2008.**

*(If property was acquired by one of the first 3 options (tax foreclosure, donation or eminent domain) you, do not need to answer c) or d)*

c. Did the owner conduct All Appropriate Inquiry prior to acquiring property?  
Please include dates AAI was performed.

☐ YES ☐ NO ☒ **Other: Roundup Public Schools constructed three of the buildings using materials that were, at the time, not known to contain hazardous substances. The materials were standard (widely used) building materials at the time of construction. Asbestos remediation was performed in the Historical Elementary Building in 2005. Roundup Public Schools purchased the Music Room Building in 2008 with funding awarded by the Montana Coal Board. The Montana Coal Board did not adopt environmental review and assessment requirements until 2016; therefore, Roundup Public Schools purchased the structure without conducting a Phase I Assessment.**

d. Did the owner take reasonable steps with regards to the contamination at the site?

☒ YES ☐ NO **Roundup Public Schools abated ACM in the Historical Elementary Building in 2005. All of the buildings were regularly maintained until vacated in 2016.**

e. Do they have a defense to CERCLA liability?

- ☐ YES – Bona Fide Prospective Purchaser (BFPP)
- ☐ YES – Contiguous Property Owner
- ☐ YES – Innocent Land Owner
- ☐ YES – Indian Tribe
- ☒ **Other**

**Note: Roundup Public Schools did not know that the construction materials used in three of the buildings contained materials would later be deemed as hazardous substances. In addition, Roundup Public Schools followed state procurement procedures when acquiring the Music Room Building in 2008, and those procedures did not require an AAI. See Exhibit A (attached) for a discussion on building materials, condition of the building, etc.**

f. Is the owner liable at the site as an ☐ Operator, ☐ Arranger, or ☐ Transporter  
OR ☒ None Applicable

g. Did all disposal of hazardous substances at the site occur before they acquire the property? ☐ YES ☐ NO **N/A**

h. Did they cause or contribute to any release of hazardous substances at the site?

☐ YES ☒ NO

3. Answer the following if the grantee *is not the site owner*:

a. Is the grantee liable at the site as an ☐ Operator, ☐ Arranger, **or** ☐ Transporter

**OR X None Applicable. Snowy Mountain Development Corporation is not the site owner.**

## **F. PETROLEUM ONLY CONTAMINATION SITES**

*If petroleum is not the predominant contaminant on the site, skip this section and proceed to section G. Petroleum sites need a written site eligibility determination by the state or EPA.*

1. If the state *has made* the petroleum eligibility determination, the grantee/RLF applicant must provide EPA with the letter from the state.

2. If the state *was unable to make* the determination or the site is *located on tribal land*, EPA must make the determination consistent with the Guidelines (note that EPA staff will need to refer to Appendices of the most recent ARC Guidelines to conduct the petroleum determination). The grantee/RLF applicant must provide information regarding the following:

a. Whether the site is of “relatively low risk” compared with other “petroleum-only” sites in the state. Two key questions for this determination follow:

1. Have Leaking Underground Storage Tank funds been expended at this site?

☐ YES ☐ NO

2. Have Federal Oil Pollution Act response funds been expended at this site?

☐ YES ☐ NO

b. Whether there is a viable responsible party at the site. Key questions for this determination follow:

1. Was the site last acquired through tax foreclosure, abandonment or equivalent government proceedings? ☐ YES ☐ NO

2. Has a responsible party been identified through:

a) a judgment rendered in a court of law or an administrative order that would require any party to assess, investigate, or cleanup the site; ☐

YES ☐ NO or

b) a filed enforcement action brought by federal or state authorities that would require any party to assess, investigate, or cleanup the site; ☐

YES ☐ NO or

- c) a citizen suit, contribution action or other 3<sup>rd</sup> party claim against the current or immediate past owner, that would, if successful, require that party to assess, investigate, or clean up the site. ☐ YES ☐ NO;

*Skip to "b.5" if the site was acquired through tax foreclosure, abandonment or equivalent government proceedings; if not, answer question b.3 and b.4.*

3. The current owner is: \_\_\_\_\_ [fill in the blank]

Has the current owner:

- a) dispensed or disposed of petroleum or petroleum product at the site?

☐ YES ☐ NO

- b) owned the property during the dispensing or disposal of petroleum product at the site? ☐ YES ☐ NO

- c) exacerbated the contamination at the site? ☐ YES ☐ NO

- d) taken reasonable steps with regard to contamination at the site,

☐ YES ☐ NO

4. The immediate past owner is: \_\_\_\_\_ [fill in the blank]. Has the immediate past owner:

- a) dispensed or disposed of petroleum or petroleum product at the site? ☐ YES ☐ NO

- b) owned the property during the dispensing or disposal of petroleum product at the site? ☐ YES ☐ NO

- c) exacerbated the contamination at the site? ☐ YES ☐ NO

- d) taken reasonable steps with regard to contamination at the site,

☐ YES ☐ NO

5. Based on the above, for purposes of Brownfields funding, is there a responsible party? ☐ YES ☐ NO If "YES" go on to #6, if "NO" proceed directly to F.2.C.

6. If there is a responsible party, is that party viable (has adequate financial resources to pay for assessment of the site). ☐ YES ☐ NO If "NO", explain the basis for that conclusion:

*If there is a viable responsible party, the petroleum site is ineligible. If there is no responsible party, or if there is a responsible party who is not viable, continue. NOTE: States may apply their own laws and regulations to make the petroleum site determination instead of the previous questions; if they do so, the grantee must submit their determination and rationale.*

c. Whether the grantee/RLF applicant is potentially liable for cleaning up the site.  
Key questions for this determination follow:

1. Has the grantee/RLF applicant ever:

a) dispensed or disposed of petroleum or petroleum product at the site?

☐ YES ☐ NO

b) exacerbated the contamination at the site? ☐ YES ☐ NO

d. Is the site subject to any order issued under Sec. 9003(h) of the Solid Waste Disposal Act?

☐ YES ☐ NO

#### G. ACCESS

Does grantee have access or an access agreement for this property?

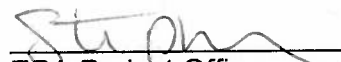
X YES ☐ NO

#### H. SITE ELIGIBILITY DETERMINATION BY EPA PROJECT OFFICER

*Please Note: If there are any questions on eligibility the Project Officer should consult with Michael Boydston, EPA counsel.*

Site ☒ is ~~not~~ <sup>cleanup</sup> eligible for site assessment activities using EPA Brownfields Funds -- OR --

☐ Site is eligible but requires an EPA Property-Specific Determination, for which additional information was provided.

  
EPA Project Officer

Date:

4/19/17

#### I. EPA NOTIFICATION TO APPLICANT OF SITE ELIGIBILITY

Date Sent: 4/19/17

Copy of Notification Attached: ☒ YES ☐ NO

#### APPENDIX A: [IF REQUIRED] INFORMATION TO SUPPORT PROPERTY SPECIFIC DETERMINATION by EPA

Grantee must explain why Brownfields financial assistance is needed and how it will protect human health and the environment and either promote economic development or enable the creation of, preservation of, or addition to parks, greenways undeveloped property, other recreational property, or other property used for nonprofit purposes.



## EXHIBIT A

- **Contamination found in the Phase II Reports:**

Music Room Building: Asbestos, Lead-Based Paint (LBP), PCBs, and Mold were found. LBP was confirmed both inside and on exterior surfaces of the building.

Historical Elementary School: LBP and Mercury-containing thermostats were found. LBP was confirmed both inside and on exterior surfaces of the building.

Multi-Purpose Room Building: Asbestos and LBP were found. LBP was confirmed both inside and on exterior surfaces of the building.

Classroom Annex Building: Asbestos and Mercury-containing thermostats were found.

- **What is the condition of the buildings with contamination? Are doors/windows in tack/boarded up? Any broken windows/doors or holes in walls or roofs?**

All buildings were occupied until the new school opened in August 2016. There are no doors or windows boarded up as all are intact. Windows, doors, walls, and roofs are in fair to good condition. There are some cracks in the interior plaster walls in the Music Room Building. There are damaged ACM Floor tiles in the breezeway area of the Multi-Purpose Room.

- **Are any of the contaminants outside of the building (Are any contaminants on the exterior surfaces of the building including windows, doors, roofs, etc.)?**

According to the Phase II Reports: LBP on exterior surfaces was confirmed on the Music Room Building, Historical Elementary School, and Multi-Purpose Room Building. No contaminants were found in roofing materials on any of the structures. Lead-in-soil samples taken on the Music Room property indicated that lead-in-surface soil is not present above screening benchmarks. Lead-in-soil is not of concern outside of the Historical Elementary School due to the location of the positive reading (bell tower), and no bare soil is present at the surface. Lead-in-soil is not of concern outside of the Multi-Purpose Room Building because pavement covers the ground in this area, and no bare soil is present around the location of the readings.

- **If there is asbestos/lead based paint on the exterior of the building, what is condition is the paint or asbestos?**

No asbestos containing materials were found on the outside of any of the buildings. Most of the exterior surfaces that had detectable lead-based paint are in good shape; however, there is some peeling in the Historical Elementary School's clock tower, and on the door frames and doors on the Music Room Building.

- **How did the owner take reasonable steps with contamination at the site?**

The School District had the Historical Elementary School, Multi-Purpose Room Building, and the Classroom Annex Building inspected for ACM in April 2005. Friable ACM was removed from the Elementary School structure in August 2005. All structures were routinely maintained until being vacated in 2016.